



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> July 7, 2006 <b>LOCAL EFFECTIVE DATE</b> July 21, 2006 <b>APPROX FINAL EFFECTIVE DATE</b> August 7, 2006	<b>CONTACT/PHONE</b> Murry Wilson, Environmental Resource Specialist (805) 788-2352	<b>APPLICANT</b> CALTRANS	<b>FILE NO.</b> DRC2005-00198
<b>SUBJECT</b> Request by CALTRANS for a Minor Use Permit / Coastal Development Permit to allow improvements to State Route 101 including: a climbing lane, two auxiliary lanes, drainage improvements / modifications, and ramp improvements on State Route 101 at Monte Road / Avila Beach Road off-ramp. The project also includes several inland components for which a Land Use Permit / Coastal Development Permit is not required. The project will result in the disturbance of approximately 301,390 square feet within the CALTRANS right-of-way. The proposed project is located between kilo-post marker 20.9 to 36.9 (post-mile R13.0 to 22.9). The project site is located entirely within the existing CALTRANS right-of-way between San Luis Obispo Creek Bridge (San Luis Obispo County jurisdiction) and the Shell Beach off-ramp (within the City of Pismo Beach). The site is in the San Luis Bay planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2005-000198 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> Class 3, 4, 5, 6 and 11 Categorical Exemptions were issued for this project on June 7, 2006.			
<b>LAND USE CATEGORY</b> N/A	<b>COMBINING DESIGNATION</b> Local Coastal Program, Flood Hazard, Streams and Riparian Vegetation, Arch. Sensitive Area	<b>ASSESSOR PARCEL NUMBER</b> N/A	<b>SUPERVISOR DISTRICT(S)</b> 3
<b>PLANNING AREA STANDARDS:</b> None <i>Does the project meet applicable Planning Area Standards: Not applicable</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Local Coastal Program <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: CALTRANS Right-of-Way	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / Agriculture and Residence <i>South:</i> Residential Single Family / Residences <i>East:</i> Rural Lands / Residence <i>West:</i> Rural Lands / Vacant	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Avila Valley Advisory Council, Public Works, RWQCB, Community Liaison (Ryan Hostetter), and the California Coastal Commission	
TOPOGRAPHY: Gentle to moderately sloping	VEGETATION: Native trees and shrubs with scattered non-native vegetation
PROPOSED SERVICES: Water supply: N/A – water truck for irrigation purposes Sewage Disposal: N/A Fire Protection: CDF and Shell Beach Fire	ACCEPTANCE DATE: May 12, 2006

## DISCUSSION

CALTRANS is proposing operational improvements along Highway 101 to alleviate congestion, improve drainage, and re-align the Monte Road / Avila Beach Road off ramp. In the past, this area has seen congestion caused by slow moving vehicles traveling southbound into the City of Pismo Beach (up a small grade). Traffic congestion can cause delays and accidents along the Highways system. Highway 101 is the primary thoroughfare through the County of San Luis Obispo therefore CALTRANS would like to improve operations along the route.

PLANNING AREA STANDARDS: N/A

LAND USE ORDINANCE STANDARDS:

Flood Hazard: The flood hazard combining designation is applied to parcels where terrain characteristics would present new development and their users with potential hazards to life and property. The San Luis Obispo Creek is identified in the combining designation section of the Coastal Zone Land Use Ordinance (CZLUO). This drainage course should be maintained in its natural state and native vegetation and habitats retained. The project as proposed will not create a potential hazard to life or property because the roadway (Highway 101) is elevated above the 100-year flood level approximately 10 to 15 feet. The flood hazard designation reflects the existing roadways location and goes under the raised highway right-of-way at San Luis Creek Bridge. Riparian habitat will not be affected by the proposed project.

Archaeologically Sensitive Areas: A cultural resource study was completed for the project area where operational improvements are proposed. In the area of project improvements under County jurisdiction, a Negative Archaeological Survey Report was prepared (Brasket and Ogden, 2002). With the results of this survey, no mitigation is required for the portion of the project within the County jurisdiction.

Streams and Riparian Vegetation: Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams. Development shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat. Within rural areas, development shall be setback a minimum of 100 feet from mapped coastal streams in order to protect the resource.

Highway 101 does cross San Luis Creek but no new development associated with this project is located within 100 feet of the coastal stream. The project includes measures to keep all construction activities away from the environmentally sensitive habitat (perimeter fencing, erosion and sediment control devices, etc.) therefore no impacts associated with this project are anticipated and no adjustments or findings associated with streams and riparian vegetation are required.

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program. The most relevant policies are discussed below.

**COASTAL PLAN POLICIES:**

Shoreline Access: ☒ N/A  
Recreation and Visitor Serving: ☒ N/A  
Energy and Industrial Development: ☒ N/A  
Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A  
Environmentally Sensitive Habitats: Policy No(s): 1, 20, 21, and 28  
Agriculture: ☒ N/A  
Public Works: ☒ N/A  
Coastal Watersheds: Policy No(s): 8, 9, and 10  
Visual and Scenic Resources: ☒ N/A  
Hazards: ☒ N/A  
Archeology: Policy No(s): 4, and 6  
Air Quality: ☒ N/A

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned

**COASTAL PLAN POLICY DISCUSSION:**

**Environmentally Sensitive Habitats**

*Policy 1: Land Uses within or adjacent to Environmentally Sensitive Habitats.* All project improvements are proposed to be located a minimum of 125 feet (at the closest point) from the upland extents of the environmentally sensitive habitat (San Luis Obispo Creek, a coastal stream). No native or riparian vegetation or wetland habitat associated with the coastal stream tributary will be removed or impacted as a result of proposed project.

*Policy 20: Coastal Streams and Riparian Vegetation.* The proposed project will not impact the identified coastal stream or associated riparian vegetation. No native vegetation associated with the coastal stream is proposed for removal and appropriate devices to assure all construction activities will not impact the habitat will be in place before the start of construction activities.

*Policy 21: Development in or Adjacent to a Coastal Stream.* The proposed project will not degrade the coastal stream habitat and will be compatible with the continuance of the habitat because adequate sediment and erosion and sediment control measures will be in place during construction activities therefore no impact to the coastal stream is anticipated.

*Policy 28: Buffer Zone for Riparian Habitats.* In rural areas, a setback of 100 feet between any new development and the upland edge of riparian habitats is required. The closest portion of the

proposed project (is to be located approximately 125 feet from the upland edge of the riparian habitat adjacent to the site.

### **Coastal Watersheds**

*Policy 8: Timing of Construction and Grading.* Land clearing and grading shall be avoided during the rainy season if there is potential for sedimentation and erosion. Appropriate sedimentation and erosion control devices will be required to be in place within 48 hours of a predicted rain event if grading activities will be occurring between October 15<sup>th</sup> and May 15<sup>th</sup>. Permanent sediment and erosion control will be in place by the completion of the project.

*Policy 9: Techniques for Minimizing Sedimentation.* Appropriate control measures shall be utilized to minimize erosion and sedimentation. Measures will be used from the start of construction to ensure proper erosion and sediment control. The applicant has included a detailed *Water Pollution Control Plan* as well as a *Drainage Plan* with detailed drainage calculations.

*Policy 10: Drainage Provisions.* Site design shall ensure that drainage does not increase erosion. The applicant has submitted a drainage plan which will ensure that drainage will not increase erosion from project improvements.

### **Archaeology**

*Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas.* The applicant has prepared a preliminary site survey (Brasket and Ogden, 2002) that did not find any significant cultural materials within the area of County jurisdiction. No further mitigation is required based on the preliminary site survey.

*Policy 6: Archaeological Resources Discovered during Construction or thought other Activities.* Where substantial archaeological resources are discovered during construction of new development, all activities shall cease until a qualified archaeologist can determine the significance of the resource and alternative mitigations approved. If any resources are discovered during construction, the applicant will be required to consult with an archaeologist knowledgeable in the Chumash culture to provide alternative mitigation measures.

### **COMMUNITY ADVISORY GROUP COMMENTS:**

#### **AGENCY REVIEW:**

Public Works – Recommend approval  
CDF – No response  
RWQCB – No comments  
Avila Valley Advisory Council – No response  
Avila Community Liaison – No response  
California Coastal Commission – No response

#### **LEGAL LOT STATUS:**

The project is occurring entirely within the existing Highway 101 / CALTRANS right-of-way.

Staff report prepared by Murry Wilson and reviewed by Matt Janssen.

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for Categorical Exemptions (Class 3, 4, 5, 6 and 11) pursuant to CEQA Guidelines Sections 15303, 15304, 15305, 15306 and 15311 because the project falls within the exempt class 3, 4, 5, 6 and 11 and does not impact environmental resources of critical concern. There will be no significant cumulative effect by this project and there is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. The project does not damage a scenic resource within an officially designated state scenic highway.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the project is proposing operational improvements along the U.S. 101 (a major regional arterial) that transects the County of San Luis Obispo consistent with the Circulation Element and improvements anticipated to maintain levels of service.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code and the Local Coastal Program.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project will provide an increased level of service for all commuters that use U.S. 101 and no sensitive receptors are located in the immediate vicinity of the proposed project improvements under county jurisdiction.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because U.S. 101 currently exists and the project improvements will all occur within the existing CALTRANS right-of-way.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because this project is proposed to improve traffic flow along U.S. 101 and relieve congestion that has currently being experience along this portion of U.S. 101.

### *Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Approved Development**

1. This approval authorizes:
  - a. Improvements to State Route 101 including: a climbing lane, two auxiliary lanes, drainage improvements / modifications, and ramp improvements on State Route 101 at Monte Road / Avila Beach Road off-ramp. The project will result in the disturbance of approximately 301,390 square feet within the CALTRANS right-of-way. The proposed project is located between kilo-post marker 20.9 to 36.9 (post-mile R13.0 to 22.9).

### **Site Development**

2. Construction / Improvement Plans shall show all development consistent with the approved *Department of Transportation – Project Plans for Construction on State Highway*.

### **Conditions to be completed prior to commencement of project construction**

3. Sensitive areas shall be fenced. Fencing shall be placed adjacent to the location of the proposed southbound climbing / auxiliary lane near the San Luis Obispo Creek Bridge (PM21.8) at least 5 days prior to start of construction. The resident engineer shall contact Brandy Rider at 549-3193 to ensure proper placement of the fencing.

### **Conditions to be completed during project construction**

4. Shrub and tree removal shall occur between September 1<sup>st</sup> and February 15<sup>th</sup> to avoid impacts to nesting birds (this does not include grubbing of ground cover plants).
5. Daily watering shall be required as needed for all areas disturbed by construction to prevent the generation of visible dust. For assistance in applying additional please contact Wayne Mills at 549-3193.
6. A native hydroseed plants mixture shall be used for all disturbed areas upon completion of final grading.
7. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so that proper disposition may be accomplished.
8. Aesthetic treatments such as colors and textures shall be considered for retaining wall construction and shall use colors and materials that blend with the natural environment. Selection of colors and materials shall be in coordination with the County Planning and Building Department.

### **Conditions to be completed prior to completion of project improvements**

9. All Coast Live Oak trees to be removed shall be replaced at a 5:1 ratio. A minimum of 25 replacement trees shall be provided.
10. Replacement planting of all removed vegetation shall occur as close as possible to the area of vegetation removal.
11. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**On-going conditions of approval (valid for the life of the project)**

12. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
13. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

**CATEGORICAL EXEMPTION  
CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION  
DETERMINATION FORM**

05-SLO-101  
Dist.-Co.-Rte

20.9/36.9 (R13.0/22.9)  
K.P./K.P. (P.M/P.M.)

485611  
E.A. (State project)

October 4, 2005  
Date

**PROJECT DESCRIPTION:** (Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)

Caltrans proposes a project that would make several operational improvements along State Route 101 in the southern portion of San Luis Obispo County between post mile R13.0 and post mile 22.9 (Project Description continued on following page).

**CEQA COMPLIANCE** (for State Projects only)

Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

**CALTRANS CEQA DETERMINATION**

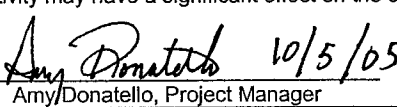
☐ **Exempt by Statute** (PRC 21080)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☒ **Categorically Exempt**, Class 1, or **General Rule exemption** (This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment [CCR 15061(b)(3)])

  
John Luchetta, Environmental Office Chief

10/5/05  
Date

  
Amy Donatello, Project Manager

10/5/05  
Date

**NEPA COMPLIANCE** (23 CFR 771.117)

Based on an examination of this proposal, supporting information, and the following statements:

- This project does not have a significant impact on the environment as defined by the NEPA.
- This project does not involve substantial controversy on environmental grounds.
- This project does not involve significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
- In non-attainment or maintenance areas for Federal air quality standards: this project comes from a currently conforming plan and Transportation Improvement Program or is exempt from regional conformity.
- This project is consistent with all Federal, State, & local laws, requirements or administrative determinations relating to the environmental aspects of this action.

**CALTRANS NEPA DETERMINATION**

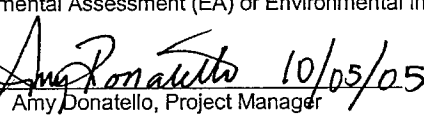
Based on an examination of this proposal, supporting information, and the statements above under "NEPA Compliance", it is determined that the project is a:

☒ **PROGRAMMATIC CATEGORICAL EXCLUSION (PCE):** Based on the evaluation of this project and supporting documentation in the project files, all the conditions of the November 18, 2003 Programmatic Categorical Exclusion Agreement have been met.

☐ **CATEGORICAL EXCLUSION (CE):** For actions that do not individually or cumulatively have a significant environmental effect and are excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). Require FHWA determination.

  
John Luchetta, Environmental Office Chief

10/5/05  
Date

  
Amy Donatello, Project Manager

10/05/05  
Date

**FHWA DETERMINATION**

Based on the evaluation of this project and the statements above, it is determined that the project meets the criteria of and is properly classified as a Categorical Exclusion (CE).

Signature: FHWA Transportation Engineer

Date



**CATEGORICAL EXEMPTION  
CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION  
DETERMINATION FORM**

There is work proposed at two different locations for this project between post miles R13.0 and post miles 22.9.

Under EA 485611 the following work is being proposed (location numbers will not used to describe work under this EA)

- **Ramp Terminus/Avila Road Intersection** (PM R21.1) – relocate intersection at the northbound Avila Beach off-ramp to Avila Beach Road for sight distance.
- **Climbing/Auxiliary Lane** (PM 19.97/21.8) - Spyglass Off-ramp to San Luis Creek Bridge. Construct a climbing lane, widen an additional lane to the inside- and both inside and outside shoulders, widen SB Avila Road UC, and construct a Type 1 retaining wall in the fill section on the southbound side near San Luis Creek Bridge. Type 1 retaining wall is 144m in length and approximately 2.4m in height.
- **Traffic Management Systems** – At on/off-ramps. Install traffic monitoring cameras, counters (loops), and various electrical components (power and communication).

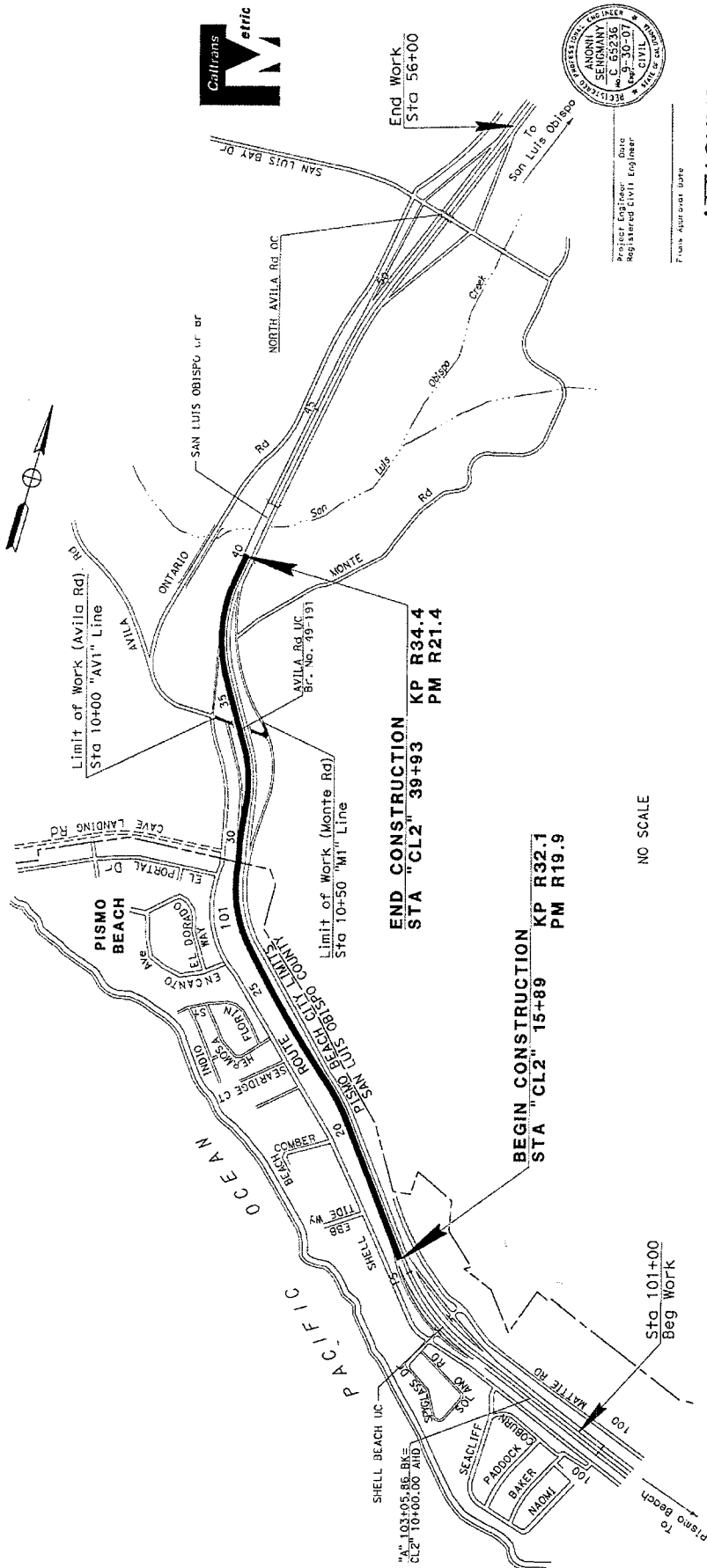
The following will be incorporated into the project design:

- Any coast live oak tree removed shall be replaced at a 5:1 ratio.
- Native shrub and tree species shall be included as replacement plantings. Ice plant shall be removed and replaced with native and non-invasive species.
- A native hydroseed plant mixture shall be used for all disturbed areas.
- Ecologically Sensitive Area (ESA) fencing shall be placed adjacent to the location of the proposed southbound climbing/auxiliary lane near the San Luis Obispo Creek Bridge (PM 21.8). At least five (5) days prior to start of construction, the resident engineer shall contact Brandy Rider (District-5 Biologist) @ 549-3193 to ensure proper placement of the ESA fencing.
- Shrub and tree removal shall occur between September 1<sup>st</sup> and February 15<sup>th</sup> to avoid impacts to nesting birds (this does not include grubbing of ground cover plants).
- Two weeks prior to start of construction, a notice for the proposed project shall be posted in the local news media.
- One daily watering shall be required as needed for all areas disturbed by construction to prevent the generation of visible dust. If one daily watering is ineffective in controlling construction dust, the Resident Engineer will apply additional dust control measures (list attached). For assistance in determining applicable dust control measures, please contact Wayne Mills (D-5 Air Quality Coordinator) @ 549-3193.
- Special provisions for cultural resources shall be included in the Plans, Specifications, and Estimates for the proposed project. These provisions shall include placement of orange mesh temporary exclusionary fencing from Station 10 + 40.000 to Station 12 + 40.000. At Station 10 + 40.000 the fencing shall turn 90 degrees to the north and connect with the Caltrans right-of-way fence. The fencing shall be placed no more than one meter from the existing edge of pavement.
- If subsurface archaeological remains are encountered during project construction, Caltrans' policy requires that work in the area must halt until a qualified archaeologist can evaluate the nature and significance of the remains (Caltrans Environmental Handbook, Volume 2, Chapter 1, Sections 1-2.2

**CATEGORICAL EXEMPTION  
CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION  
DETERMINATION FORM**

and Chapter 7 Section 7-9). If human remains are unearthed during project construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98.

- Replacement planting shall occur as close as possible to the area of vegetation removal.
- Aesthetic treatments such as color and/or texture shall be considered for retaining walls.
- See attached memo for required permits and consultation for the proposed project.



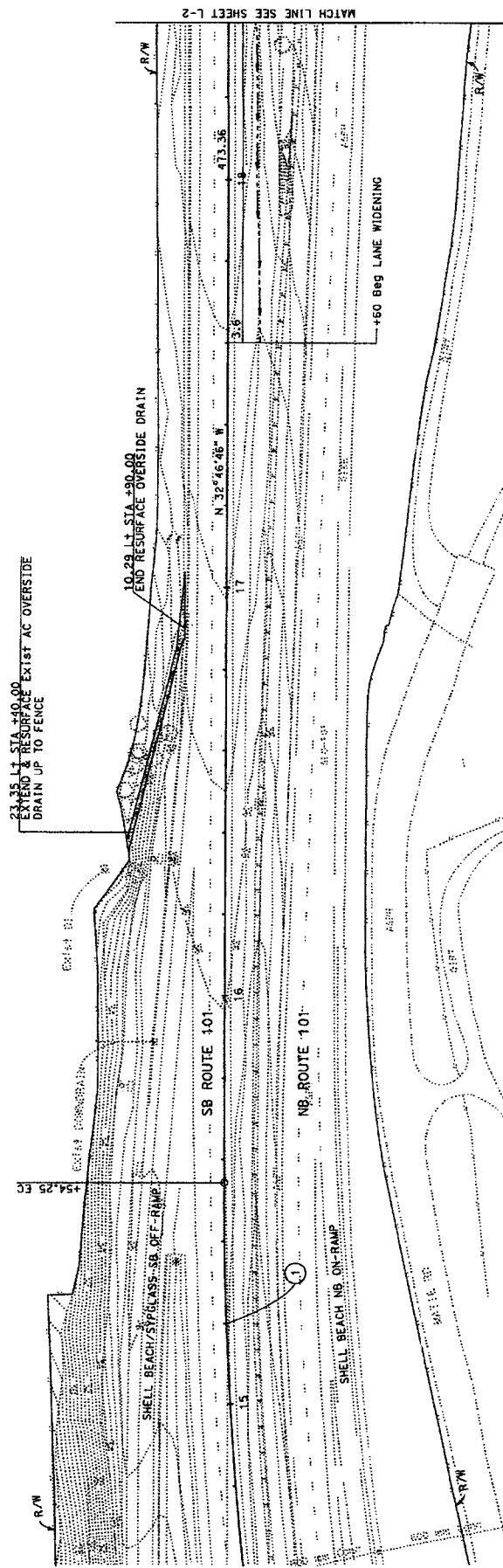
The Contractor shall possess the Class (or Classes) of license as specified in the "Notice to Contractors".

ATTACHMENT H

EXHIBIT Site Plan



PROJECT Minor Use Permit  
Cal Trans DRC2005-00198



**CURVE TABLE**

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ALL DIMENSIONS ARE IN METERS  
UNLESS OTHERWISE SHOWN

## LAYOUT

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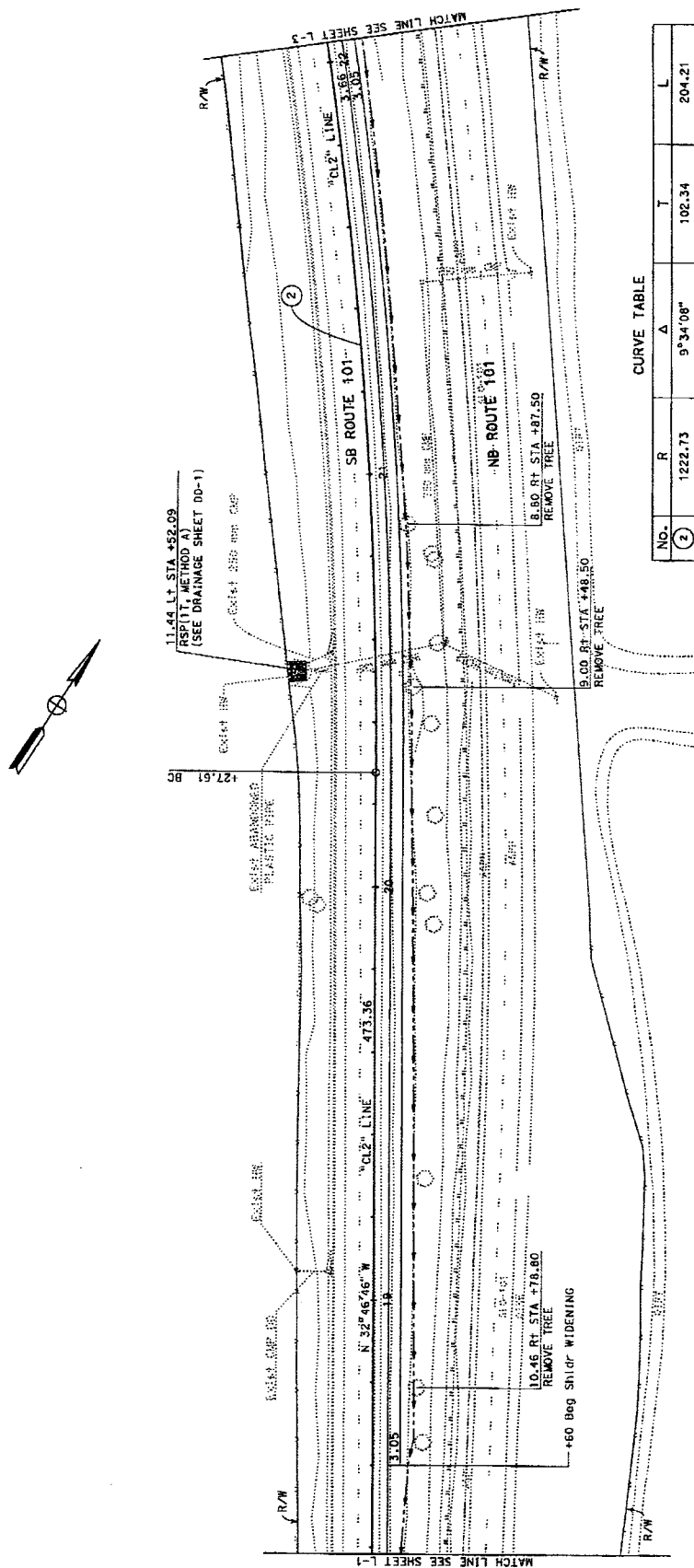


**EXHIBIT**

## Layout

## PROJECT

Minor Use Permit  
Cal Trans DRC2005-00198



ALL DIMENSIONS ARE IN METERS  
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## LAYOUT

SCALE 1:500

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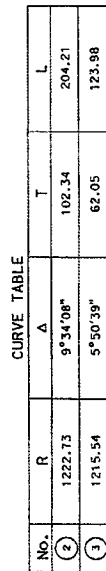


**EXHIBIT**

## Layout

## PROJECT

**DEC**  
**Minor Use Permit**  
Cal Trans DRC2005-00198



ALL DIMENSIONS ARE IN METERS  
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## LAYOUT

SCALE 1:500

3-7

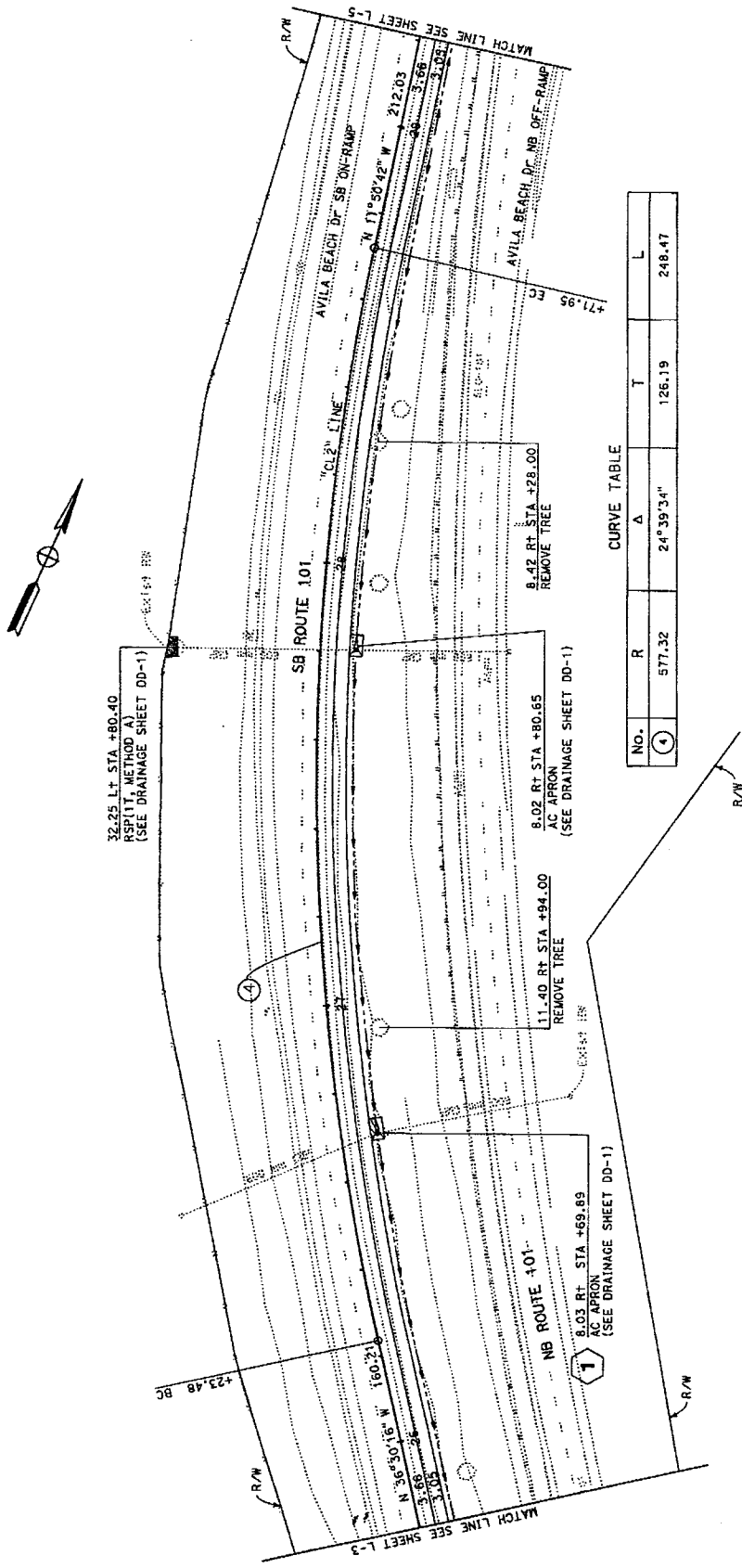


## PROJECT

**Minor Use Permit**  
Cal Trans DRC2005-00198

**EXHIBIT**

## Layout



ALL DIMENSIONS ARE IN METERS  
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LAYOUT

SCALE 1:500

L-4

EXHIBIT

Layout

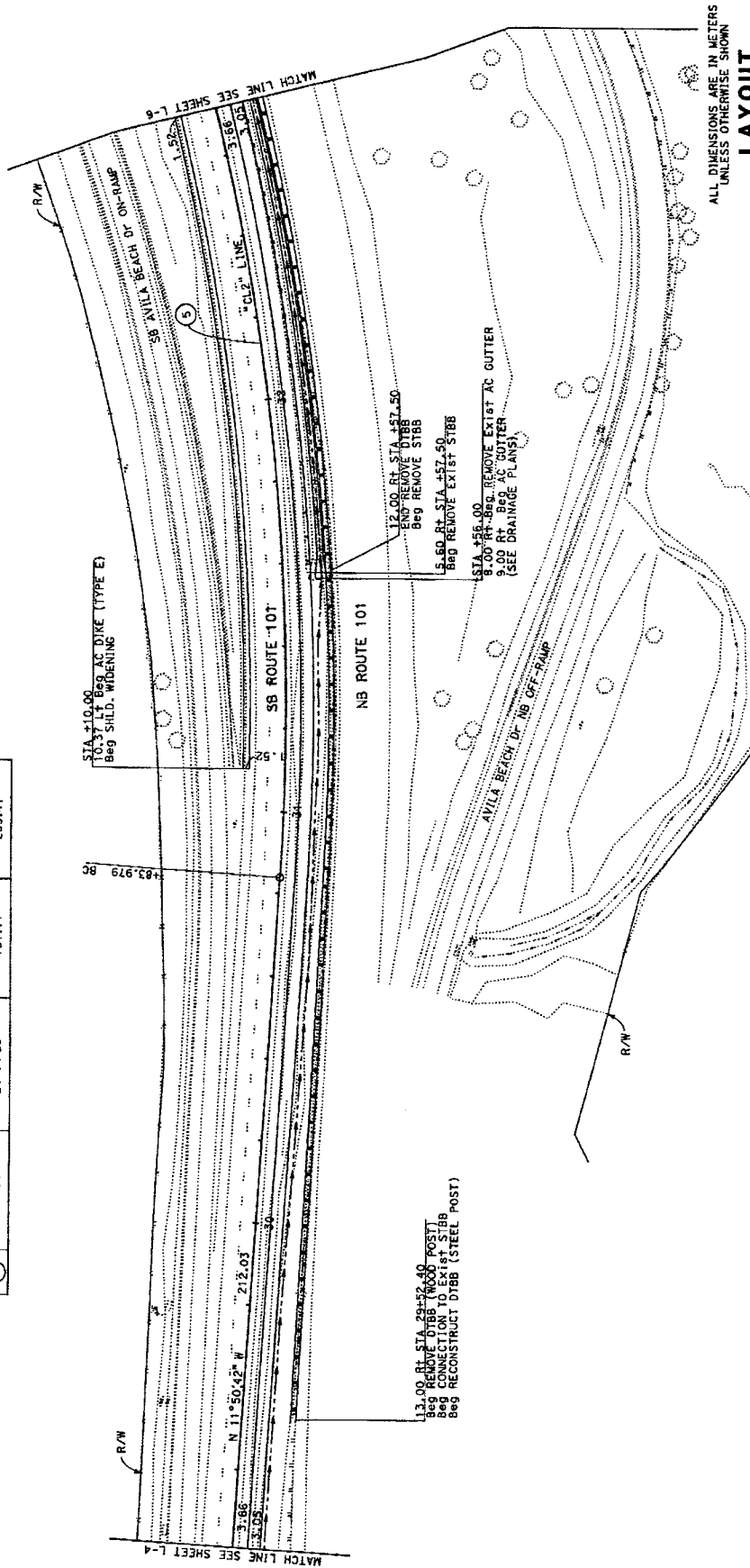
PROJECT

Minor Use Permit  
Cal Trans DRC2005-00198



CURVE TABLE

NO.	R	Δ	T	L
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LAYOUT

SCALE 1:500

L-5

PROJECT

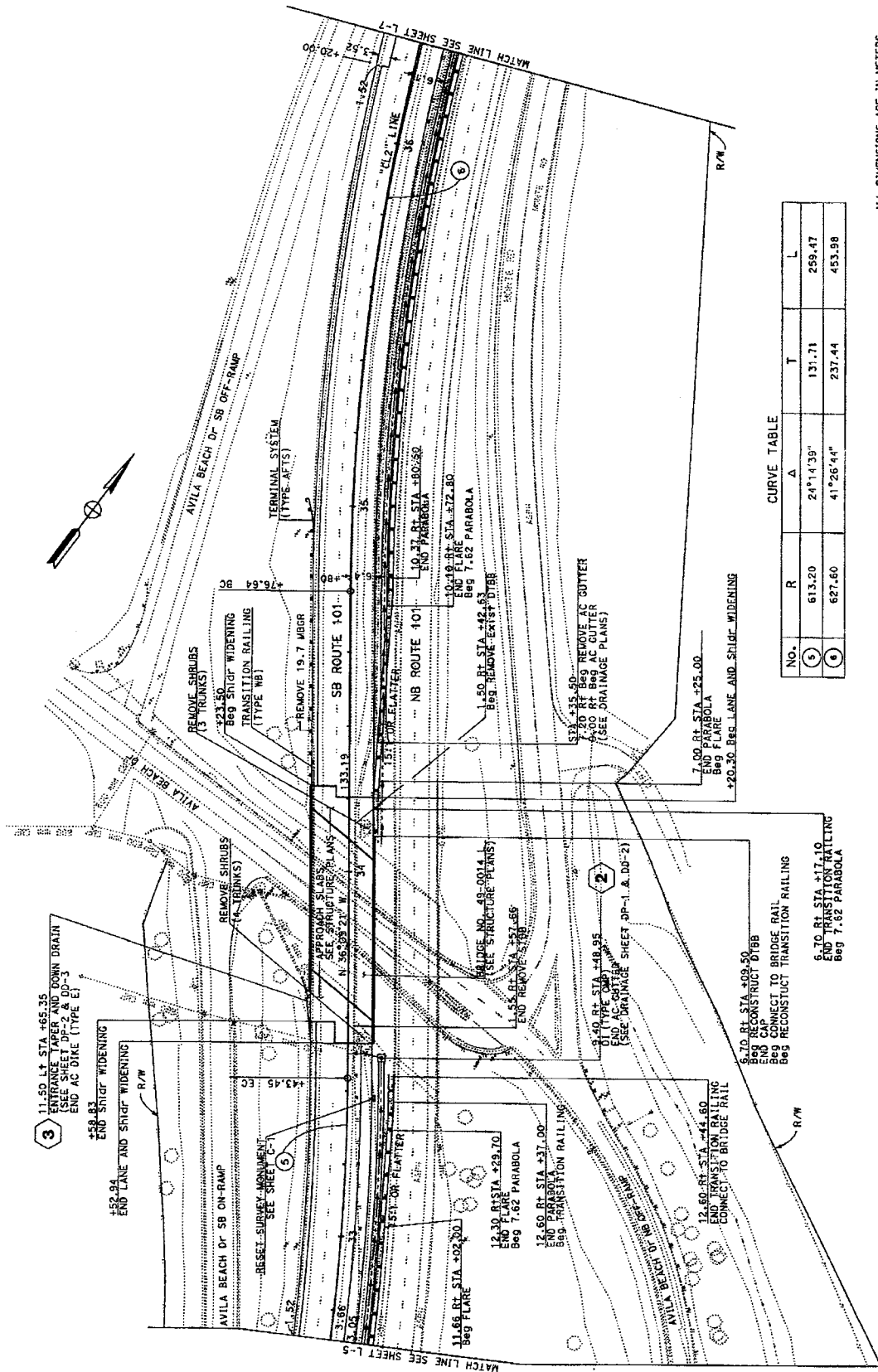
Minor Use Permit  
Cal Trans DRC2005-00198

EXHIBIT

Layout







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## LAYOUT

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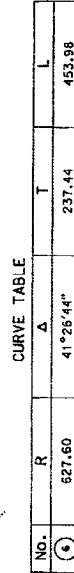


**EXHIBIT**

## Layout

# PROJECT

Minor Use Permit  
Cal Trans DRC2005-00198



ALL DIMENSIONS ARE IN METERS  
UNLESS OTHERWISE SHOWN

## LAYOUT

SCALE 1:500

2-7



**EXHIBIT**

## Layout

## PROJECT

Minor Use Permit  
Cal Trans DRC2005-00198

